

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

MELVIN KEAKAKU AMINA and	)	CIVIL NO. 11-00714 JMS/BMK
DONNA MAE AMINA, Husband and	)	
Wife,	)	ORDER TO SHOW CAUSE
	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	
THE BANK OF NEW YORK	)	
MELLON, FKA THE BANK OF NEW	)	
YORK; UNKNOWN OWNER OF THE	)	
FIRST NOTE; UNKNOWN OWNER	)	
OF THE SECOND NOTE,	)	
	)	
Defendants.	)	
_____	)	

**ORDER TO SHOW CAUSE**

Although this action is in its initial stages, pro se Plaintiffs Melvin Keakaku Amina and Donna Mae Amina (“Plaintiffs”) are no strangers to this court and are well-aware of their litigation obligations. In their previous action before this court, *Amina et al. v. WMC Mortgage Corp. et al.*, Civ. No. 10-00165 JMS/KSC, Plaintiffs participated in several rounds of dispositive motions until January 2012, when they inexplicably stopped meeting filing deadlines and failed to appear at hearings. Specifically, Plaintiffs failed to (1) file any Oppositions to Motions for Summary Judgment, due January 9, 2012; (2) file a Pretrial Conference Statement, due January 10, 2012; (3) appear at the January 17, 2012

Final Pretrial Conference; (4) appear at a January 25, 2012 hearing before Magistrate Judge Kevin S.C. Chang on his Order to Show Cause why the action should not be dismissed; (5) appear at a January 30, 2012 hearing on Defendants' Motions for Summary Judgment; or (6) appear at a February 23, 2012 hearing before this court on their Objection to Magistrate Judge Chang's Findings and Recommendation to dismiss the action. Thus, on February 24, 2012, the court dismissed Plaintiffs' previous action.<sup>1</sup>

As Plaintiffs are well-aware, one of their obligations is to attend hearings. Attending scheduled hearings is mandatory, not optional. In this action, Defendant Bank of New York Mellon filed a Motion to Dismiss on December 22, 2012. That same day, the court issued an Entering Order, mailed to Plaintiffs' address of record (2304 Metcalf Street 2, Honolulu, HI 96822), notifying them that their Opposition was due by February 13, 2012, and that a hearing would be held on March 12, 2012. The court has no doubt that Plaintiffs received the Entering Order -- Plaintiffs timely filed an Opposition on February 10, 2012. Yet Plaintiffs failed to appear at the March 12, 2012 hearing, and the courtroom

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<sup>1</sup> In addition to Plaintiffs' previous action before this court, Melvin Keakaku Amina filed for Chapter 13 bankruptcy in the United States Bankruptcy Court for the District of Hawaii on January 12, 2012. *See In re Melvin Keakaku Amina, Jr.* Bankr. Pet'n 12-00079 (D. Haw. Bankr.). After Mr. Amina sought two separate extensions to file the necessary papers and missed the last deadline, the bankruptcy court dismissed the case on March 6, 2012.

manager's attempts to reach them by telephone failed.

Plaintiffs' failure to attend this hearing, combined with their previous litigation history, leads the court to believe that Plaintiffs are once again ignoring their litigation obligations. The court therefore orders Plaintiffs to appear before this court on March 29, 2012 at 10:00 a.m. to SHOW CAUSE why this action should not be dismissed for failure to prosecute. To be clear, Plaintiffs' attendance at this hearing, should they desire to continue to prosecute this action, is mandatory. Failure to appear is likely to result in dismissal of this action. If Plaintiffs cannot be present on this date, they shall notify the court via letter, no later than March 22, 2012, and provide alternative dates and times of availability.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, March 12, 2012.



/s/ J. Michael Seabright  
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J. Michael Seabright  
United States District Judge

*Amina et al. v. Bank of New York Mellon*, Civ. No. 11-00714 JMS/BMK , Order to Show Cause